

BUSINESS REPORT
MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION

SENATE JUDICIARY COMMITTEE

Date: Wednesday, February 16, 2011
Place: Capitol

Time: 8:00 A.M.
Room: 303

BILLS and RESOLUTIONS HEARD:

SB 279 - Allow legislators and security w/permit to carry weapon into Capitol
SB 335 - Revise laws related to stale-dated warrants

EXECUTIVE ACTION TAKEN:

SB 335-Do Pass
SB 114-Do Pass As Amended
SB 17-Tabled
SB 18-Tabled
SB 116-Tabled

Comments:


SEN. Terry Murphy, Chair

MONTANA STATE SENATE

ROLL CALL

2011 JUDICIARY COMMITTEE

DATE: 2/16/11

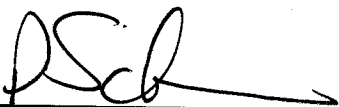
<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN, TERRY MURPHY	/	
VICE CHAIRMAN, JIM SHOCKLEY	/	
SENATOR JEFF ESSMANN	/	
SENATOR SHANNON AUGARE	/	
SENATOR ANDERS BLEWETT	/	
SENATOR GREG HINKLE	/	
SENATOR ROWLIE HUTTON	/	
SENATOR LARRY JENT	/	
SENATOR CLIFF LARSEN	/	
SENATOR LYNDA MOSS	/	
SENATOR JIM PETERSON	/	
SENATOR CHAS VINCENT	/	

BILL TABLED NOTICE

SENATE JUDICIARY COMMITTEE

The SENATE JUDICIARY COMMITTEE TABLED

SB 17 - Require admin of detention facility by sheriff, chief of police or dept of corr
SB 18 - Provide sheriff sole authority to hire/fire detention/law enforcement officers
SB 116 - Prohibit physician-assisted suicide
, by motion, on **Wednesday, February 16, 2011.**



(For the Committee)



(For the Secretary of the Senate)

1100 / 2-16-11
(Time) (Date)

February 16, 2011

Pam Schindler, Secretary

Phone: 444-4891



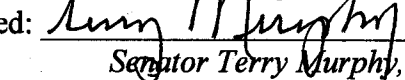
SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 114** (first reading copy -- white) **do pass as amended.**

Signed: 
Senator Terry Murphy, Chair

And, that such amendments read:

1. Title, line 4 through line 8.

Following: "AN ACT" on line 4

Strike: remainder of line 4 through line 8

Insert: "STATING THAT FEDERAL LAW ENFORCEMENT OFFICERS SHOULD COMMUNICATE WITH LOCAL SHERIFFS BEFORE TAKING OFFICIAL ACTION IN A COUNTY;"

2. Page 1, line 13 through page 3, line 21.

Strike: everything after the enacting clause

Insert: "NEW SECTION. **Section 1. Purpose.** The purpose of [sections 1 and 2] is to:

(1) enhance cooperation between federal law enforcement officers and law enforcement officers of this state;

(2) encourage federal law enforcement officers to use the knowledge and expertise of local law enforcement officers in the performance of the federal officers' official duties; and

(3) encourage federal law enforcement officers to communicate with local law enforcement officers when performing the federal officers' official duties in a local jurisdiction."

Insert: "NEW SECTION. **Section 2. Communication with local sheriff.** (1) Before taking any official law enforcement action in a county in this state, a federal law enforcement officer should communicate with the sheriff of the county in which the action is to be taken unless the communication would impede the federal officer's official duties.

(2) If a federal law enforcement officer does not inform the sheriff before taking official action, the officer should do

Committee Vote:

Yes 7, No 5

Fiscal Note Required ____

so as soon as practical after the fact."

Insert: "NEW SECTION. **Section 3. Codification instruction.**

[Sections 1 and 2] are intended to be codified as an integral part of Title 44, and the provisions of Title 44 apply to [sections 1 and 2]."

Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

- END -



SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 335** (first reading copy -- white) do pass.

Signed: 
Senator Terry Murphy, Chair

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

SB0335001SC.sdr

OK

MONTANA STATE SENATE

ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 2/16/11 BILL NO. SB335 MOTION NO. 1

MOTION: Do Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	—		
SENATOR LYNDIA MOSS	—		
SENATOR CHAS VINCENT	—		—
SENATOR LARRY JENT	—		—
SENATOR ANDERS BLEWETT	—		
SENATOR SHANNON AUGARE	—		
SENATOR CLIFF LARSEN	—		
SENATOR ROWLIE HUTTON	—		
SENATOR JIM PETERSON	—		—
VICE CHAIRMAN SHOCKLEY	—		
SENATOR JEFF ESSMANN	—		—
CHAIRMAN MURPHY	—		

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MONTANA STATE SENATE

ROLL CALL VOTE

2011 JUDICIARY COMMITTEE

DATE 2/16/11 BILL NO SB 17 MOTION NO. 3
MOTION: Do Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDIA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CHAS VINCENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR ANDERS BLEWETT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR SHANNON AUGARE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR ROWLIE HUTTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM PETERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
VICE CHAIRMAN SHOCKLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JEFF ESSMANN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
CHAIRMAN MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

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MONTANA STATE SENATE

ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 2/16/11 BILL NO. SB 18 MOTION NO. 1

MOTION: Dolan

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	<u>—</u>		
SENATOR LYNDIA MOSS		<u>—</u>	
SENATOR CHAS VINCENT		<u>—</u>	
SENATOR LARRY JENT		<u>—</u>	
SENATOR ANDERS BLEWETT		<u>—</u>	
SENATOR SHANNON AUGARE		<u>—</u>	
SENATOR CLIFF LARSEN		<u>—</u>	
SENATOR ROWLIE HUTTON	<u>—</u>		
SENATOR JIM PETERSON	<u>—</u>		
VICE CHAIRMAN SHOCKLEY	<u>—</u>		
SENATOR JEFF ESSMANN		<u>—</u>	
CHAIRMAN MURPHY	<u>—</u>		

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MONTANA STATE SENATE

ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 2/16/11 BILL NO SB116 MOTION NO. 2

MOTION: amend 11603. and

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDIA MOSS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CHAS VINCENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR ANDERS BLEWETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR SHANNON AUGARE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CLIFF LARSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR ROWLIE HUTTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM PETERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
VICE CHAIRMAN SHOCKLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JEFF ESSMANN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
CHAIRMAN MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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MONTANA STATE SENATE

ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 2/16/11 BILL NO. ^{SB}116 MOTION NO. 3

MOTION: _____

Do Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDIA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CHAS VINCENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR ANDERS BLEWETT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR SHANNON AUGARE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR ROWLIE HUTTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM PETERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
VICE CHAIRMAN SHOCKLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JEFF ESSMANN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
CHAIRMAN MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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MONTANA STATE SENATE

ROLL CALL VOTE

2011 JUDICIARY COMMITTEE

DATE 2/16/11 BILL NO SB 114 MOTION NO. 1

MOTION: _____

Remove from Table

(Present & Voting)

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CHAS VINCENT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR LARRY JENT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR ANDERS BLEWETT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR SHANNON AUGARE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CLIFF LARSEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR ROWLIE HUTTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM PETERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
VICE CHAIRMAN SHOCKLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JEFF ESSMANN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
CHAIRMAN MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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MONTANA STATE SENATE

ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 2/16/11 BILL NO SB114 MOTION NO. 3

MOTION: amendment 114.02 and

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	—		
SENATOR LYNDIA MOSS	—		
SENATOR CHAS VINCENT	—		
SENATOR LARRY JENT	—		
SENATOR ANDERS BLEWETT	—		—
SENATOR SHANNON AUGARE	—		
SENATOR CLIFF LARSEN	—		
SENATOR ROWLIE HUTTON	—		
SENATOR JIM PETERSON	—		
VICE CHAIRMAN SHOCKLEY	—		
SENATOR JEFF ESSMANN	—		
CHAIRMAN MURPHY	—		

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MONTANA STATE SENATE

ROLL CALL VOTE

2011 JUDICIARY COMMITTEE

DATE 2/16/11 BILL NO. SB 114 MOTION NO. 4
MOTION: Do Pass As Amend.

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDIA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CHAS VINCENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR ANDERS BLEWETT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR SHANNON AUGARE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR ROWLIE HUTTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM PETERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
VICE CHAIRMAN SHOCKLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JEFF ESSMANN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
CHAIRMAN MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Anders Blewett, request to be excused from the
Judiciary COMMITTEE
due to my other commitment. I desire to leave my proxy vote with:

Sen. ~~XXXXXXXXXX~~ LARRY JENKINS, Sen. MOSLEY

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

1/12/11	SBSO Dotass		X
	SBSO Rev. Table	X	
1/17/11	SB 152	X	
✓	SB 68 Dotass Amend		
	(Amended in hrg.)		
	1/13/11	X	
1/21/11	SB 106 Dotass	X	X
	2/16/11		
	SB 114 (Amend 11/11)	X	
	SB 114 Dotass (Amend)		X

BILL/AMENDMENT AYE NO

Sen. Anders Blewett
(Signature)

Date _____

(Sen. Blewett)

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Chas Vincent, request to be excused from the

Judiciary COMMITTEE

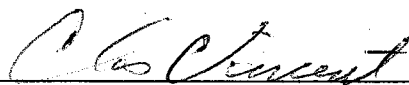
due to my other commitment. I desire to leave my proxy vote with:




Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

	BILL/AMENDMENT	AYE	NO
2/4/11	SB 178	X	
	SS 9	X	
	SB 238	X	
2/10/11	SB 185 - Do Pass		X
	SB 167 - Do Pass		X
	SB 167 - Table	X	
2/16/11	SB 335 - Do Pass	X	

	BILL/AMENDMENT	AYE	NO

Sen. 
(Signature)

Date _____

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Jim Peterson, request to be excused from the

Judiciary COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Terry Murphy

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

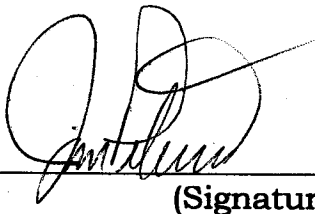
2/14/11

SB 42 Remove Amel	X	
SB 42 Amend 42.03	X	
SB 42 Dotars Amel	X	
SB 97 Amend 97.02	X	
SB 97 Dotars	X	
SB 169 amend 169.02	X	
SB 169 amend 169.01		X
SB 169 amend concept	X	
SB 268 amend		
Remain General		X
SB 268 Dotars	X	

2/16/11

SB 335 - Dotars	X	

Sen.


(Signature)

Date

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Larry Jent, request to be excused from the
Judiciary COMMITTEE
due to my other commitment. I desire to leave my proxy vote with:

Sen. Moss

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
2/16/11 SB 185 - Dotars	X		2/14/11 SB 268 Dotars		X
SB 167 - Dotars	X				
SB 167 - table		X	2/14/11 SJ2 Amend		X
			SJ2 Dotars		X
2/14/11 SB 42 Remove Amend	X		SJ2 - table	X	
SB 42 Amend 42.03	X		SB 169 - Remove Amend	X	
SB Dotars Amend	X		SB 169 Dotars Amend		X
SB 97 Amend 97.02		X	SB 268 Dotars		
SB 97 Dotars		X			
SB 169 amend 169.02	X		2/14/11 SB 335 - Dotars	X	
SB 169 amend 169.01	X				
SB 169 amend concep.	X				
SB 268 amend					
primary/general	X				

Sen. Larry Jent
(Signature)

Date _____

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Jeff Essmann, request to be excused from the

JUDICIARY COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

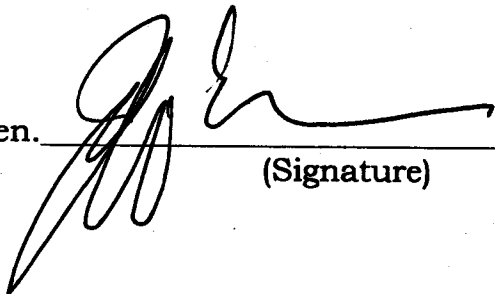
Sen. Kiehl

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 335-Dobus	X	

BILL/AMENDMENT	AYE	NO

Sen.


(Signature)

Date

2/16/11

SENATE JUDICIARY COMMITTEE

Sponsor: Senator Verdell Jackson

In fu

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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE JUDICIARY COMMITTEE

Wednesday, February 16, 2011

SB 335 - Revise laws related to stale-dated warrants

Sponsor: Senator Jim Shockley

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.